

**REMARKS**

In the Office Action mailed on May 30, 2003, the Examiner finally rejected claims 12 and 22 on several bases. Applicants have canceled the rejected claim 12 and 22 without prejudice and have reformulated new claims 33-50. The new claims stress several features which distinguish the claimed invention over the references relied upon by the Examiner in the aforementioned Office Action. Further discussion of the cited references follow.

**Claim Rejections under 35 USC §102**


Claims 12 and 22 were rejected by the Examiner under 35 USC §102 as being clearly anticipated by either Stewart et al. (U.S. Pat. No. 6,325,797) or Jenkins et al. (US Pub. No. 2002/0004631). These references disclose electrophysiology devices for forming lesions within a patient's heart which are similar in use to applicant's devices. However, there are significant structural distinctions. For example, the devices described in the cited art do not have centrally disposed superelastic core members having a helical shape to form the operative helical shape of the electrophysiology device. The device of the '4631 publication heat treats a shape memory element to expand the helical shaped shaft to form the final operative shape of the helical shaft. The helical portion of the device is not the desired operative size in the unstressed condition prior to heat treating.

Steward et al. in the '797 patent does not disclose any internal features of the electrophysiology device, so this reference likewise does not meet all requirements of the claims. With reference to the embodiment shown in Fig. 8 of Steward et al. reference is made in column 13, lines 1-12, that the tip 208 of the locating device 196 has a core wire which may be a shape memory material such as NITINOL. However, the reference is silent as to the structure of the separate catheter body 192 which has the loops 204. There is no teaching found in this reference of an electrophysiology device which meets the requirements of the above claims.

In view of the above the applicants believe that the pending claims define patentable subject matter and respectfully request further examination and an early allowance of the pending claims.

Respectfully submitted,

By:

  
Edward J. Lynch  
Reg. No. 24,422  
Attorney for Applicants

DUANE MORRIS LLP  
One Market  
Spear Tower, Ste. 2000  
San Francisco, CA 94105  
Telephone: (415) 371-2200  
Facsimile: (415) 371-2201  
Direct Dial: (415) 371-2267